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Agenda item 107

Advancement of women

Netherlands: draft resolution

Traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour

The General Assembly,

Reaffirming the obligation of all States to promote and protect human rights and fundamental freedoms, as enunciated in the Charter of the United Nations, and reaffirming also the obligations contained in subsequent human rights instruments, in particular the Universal Declaration of Human Rights,¹ the International Covenant on Economic, Social and Cultural Rights,² the International Covenant on Civil and Political Rights,³ the Convention on the Elimination of All Forms of Discrimination against Women⁴ and the Convention on the Rights of the Child,⁵

Bearing in mind the Declaration on the Elimination of Violence against Women,⁶ the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,⁷ the Basic Principles on the Independence of the Judiciary,⁸ the Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power,⁹ the Beijing Declaration⁹ and Platform for Action¹⁰ adopted at the Fourth World Conference on Women, which contain provisions which

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ Resolution 34/180, annex.

⁴ Resolution 44/25, annex.

⁵ Resolution 48/104.

⁶ Economic and Social Council resolution 1989/65, annex.

⁷ *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2.

⁸ Resolution 40/34, annex.

⁹ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution I, annex I.

¹⁰ *Ibid.*, annex II.



are relevant to traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour,

Recalling the outcome document of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century",¹¹ which, inter alia, contains provisions pertaining to traditional or customary practices amounting to crimes committed against women, including crimes committed in the name of honour,

Noting General Comment No. 28 concerning equality of rights between men and women adopted by the Human Rights Committee,¹²

Noting also general recommendation 19 concerning violence against women adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session,¹³

Noting further relevant paragraphs in recent reports of the special rapporteurs of the Commission on Human Rights on violence against women, its causes and consequences,¹⁴ on extrajudicial, summary or arbitrary executions,¹⁵ and on the independence of judges and lawyers¹⁶ and of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights on traditional practices affecting the health of women and girls, its causes and consequences,¹⁷

Recalling relevant paragraphs in Commission on Human Rights resolutions 2000/45, on the elimination of violence against women, and 2000/31, on extrajudicial, summary or arbitrary executions,¹⁸ as well as in resolution 2000/10 of the Sub-Commission on the Promotion and Protection of Human Rights, on traditional practices affecting the health of women and the girl child,

Welcoming projects undertaken by the United Nations Children's Fund and the United Nations Population Fund as well as those financed from the Trust Fund in Support of Actions to Eliminate Violence against Women, established at the United Nations Development Fund for Women,

Emphasizing that the elimination of traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, requires greater efforts and commitment from Governments, the international community, inter alia, by international cooperation efforts and civil society, including non-governmental and community organizations, and that fundamental changes in societal attitudes are required,

Underlining the importance of the empowerment of women as a tool to eliminate traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour,

¹¹ Resolution S-23/3.

¹² CCPR/C/21/Rev.1/Add.10.

¹³ See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38)*, chap. I.

¹⁴ E/CN.4/2000/68/Add.1.

¹⁵ A/55/288.

¹⁶ E/CN.4/2000/61.

¹⁷ E/CN.4/Sub.2/1998/11; E/CN.4/Sub.2/1999/14; E/CN.4/Sub.2/2000/17.

¹⁸ See *Official Records of the Economic and Social Council, 2000, Supplement No. 3 (E/2000/23)*, chap. II, sect. A.

1. *Expresses concern* at the continuing occurrence in all regions of the world of traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour;

2. *Acknowledges* that States that condone or ignore traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, or which extend a form of impunity to the perpetrators, commit violations of human rights;

3. *Welcomes:*

(a) The activities of Governments aimed at the elimination of traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, including the adoption of amendments to relevant national laws relating to such crimes;

(b) The efforts undertaken by United Nations bodies, programmes and organizations, including the United Nations Population Fund, the United Nations Children's Fund and the United Nations Development Fund for Women, to address the issue of traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, and encourages them to coordinate their efforts;

(c) The work carried out by non-governmental organizations, including women's organizations, grass-roots movements and individuals in raising awareness of such crimes and their harmful effects;

4. *Expresses concern* at continuing reports from different regions of the world that perpetrators of traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, often go unpunished, receive reduced sentences or are exempted from prosecution on the justification of defence of "family honour", in some cases formulated as a defence of "passion", and emphasizes that honour should not be recognized in domestic legal systems as an exonerating or mitigating circumstance in the prosecution of perpetrators of such crimes;

5. *Calls upon* all States:

(a) To implement their relevant obligations under international law as well as specific international commitments in this field, including under the outcome document of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century";¹¹

(b) To take all appropriate legislative and policy measures to ensure that traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, are punishable, that the perpetrators of such crimes are prosecuted and that women enjoy the equal protection of the law;

(c) To intensify efforts to prevent and eliminate traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, by also using educational, promotional, social policy and other measures and to involve, among others, public opinion leaders, educator, religious leaders, chiefs, traditional leaders and the media in awareness-raising campaigns;

(d) To encourage, support and implement measures and programmes aimed at increasing the knowledge and the understanding of the causes, consequences and mechanisms of traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, among those responsible for implementing policies, such as law-enforcement officers, police personnel and judicial workers;

(e) To establish, strengthen or facilitate support services to respond to the needs of actual and potential victims of crimes committed in the name of honour by, inter alia, providing for the appropriate protection and shelter of actual and potential victims of these crimes;

(f) To facilitate the reporting of cases of traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, in order to gain more information on the occurrence of such crimes;

6. *Invites* States to include in their reports to the Committee on the Elimination of Discrimination against Women, the Human Rights Committee and other relevant treaty bodies, in the framework of their general reporting on violence against women, where appropriate, also specific information on measures taken to prevent and eliminate traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour, and to prosecute the perpetrators of such crimes;

7. *Invites* the international community, including United Nations bodies, programmes and organizations, including through the technical assistance and advisory services programmes of the Centre for International Crime Prevention, the Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women of the Secretariat, to support the efforts of all countries aimed at strengthening institutional capacity for preventing traditional or customary practices amounting to crimes against women, including crimes committed in the name of honour;

8. *Encourages* the relevant human rights treaty bodies to continue to address this issue, where appropriate, in reviewing national reports;

9. *Requests* the Secretary-General to submit a report to the General Assembly at its fifty-seventh session on developments relevant to the subject matter of the present resolution.